

SENATE No. 2411

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Christopher J. Donelan	2nd Franklin

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act authorizing the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town of Athol.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to authorize the Department of Fish and Game to acquire land of the town of Athol and to acquire a conservation restriction on lands of the town of Athol in exchange for grants of easements to the town, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The commonwealth, by and through the department of fish and game, may
2 take, under chapter 79 of the General Laws, or otherwise acquire, and the town of Athol may
3 convey all or portions of certain parcels of land identified in section 2 for the preservation and
4 protection of wildlife habitat, passive recreation, and consistent purposes. The parcels, if taken
5 and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any
6 person or governmental agency, except for said town, that lawfully exists and is recorded in the
7 appropriate registry of deeds, unless the department of fish and game expressly takes the
8 easement or lesser interest through eminent domain under said chapter 79.

9 SECTION 2. The parcels of land, including lands under water, to be acquired from the
10 town of Athol are identified as follows:

Land in the towns of Athol and Phillipston, Worcester County, Massachusetts, including lands under water, located along South Royalston Road, Cobb Hill Road, Willis Road, Schoolhouse Road and State Route 2A associated with Thousand Acre Reservoir, Thousand Acre Brook and its watershed, described in deeds to the town of Athol recorded at the Worcester District Registry of Deeds at Book 1981, Page 401; Book 2077, Page 117; Book 2338, Page 177; Book 2283, Page 136; Book 2123, Page 368; Book 3530, Page 442; Book 1947, Page 283; Book 2145, Page 479; and Book 1836, Page 133 (parcels 13 and 14).

SECTION 3. The commonwealth, by and through the department of fish and game, may convey to the town of Athol easements or lesser interests for the purpose of installing and maintaining water mains across all or portions of a certain parcel of land of said commonwealth identified in section 4.

SECTION 4. The parcel of land to be subject to the water main easements is identified as follows:

Land in Athol, Worcester County, Massachusetts described in deed to the commonwealth recorded at the Worcester District Registry of Deeds at Book 14525, Page 380 and shown on Plan entitled "Plan of Land in Athol owned by Lois E. Lawrence" recorded at said registry at Plan Book 407, Plan 8.

SECTION 5. The commonwealth, by and through the department of fish and game, may convey to the town of Athol easements or lesser interests for the purpose of drinking water supply wellhead protection over all or portions of a certain parcel of land of said commonwealth identified in section 6.

SECTION 6. The parcel of land to be subject to the wellhead protection easements is identified as follows:

Land in Athol, Worcester County, Massachusetts, described in deed to the commonwealth recorded at the Worcester District Registry of Deeds at Book 16041, Page 160 and shown on Plan entitled "Plan of Land in Athol, Massachusetts prepared for Mount Grace Land Conservation Trust, Inc." recorded at said registry at Plan Book 670, Plan 86.

SECTION 7. The commonwealth, by and through the department of fish and game, may convey to the town of Athol easements or lesser interests for the purpose of constructing, maintaining, and using a bicycle path across all or portions of a certain parcel of land of said commonwealth identified in section 8.

SECTION 8. The parcel of land to be subject to the bicycle path easements is identified as follows:

Land in Athol, Worcester County, Massachusetts described in deed to the commonwealth recorded at the Worcester District Registry of Deeds at Book 16041, Page 160 (parcel III).

SECTION 9. In consideration for the conveyance described in sections 3-8 herein, the commonwealth, by and through the department of fish and game, may take, under chapter 79 of the General Laws, or otherwise acquire, and the town of Athol may convey, easements or lesser interests through a conservation restriction under sections 31, 32, and 33 of chapter 184 of the General Laws, for the preservation and protection of wildlife habitat and passive recreation and consistent purposes, in all or portions of certain parcels of land identified in section 10. The parcels were acquired by the town of Athol for water supply purposes. The conservation restriction authorized by this act shall allow for the town to retain the right to use said premises

as a potential water supply for the town. Said conservation restriction, if taken and not otherwise acquired, shall be subject to any easement or lesser interest in land held by any person or governmental agency, except for said town, that lawfully exists and is recorded in the appropriate registry of deeds, unless the department of fish and game expressly takes the easement or lesser interest through eminent domain under said chapter 79.

SECTION 10. The parcels of land, including lands under water, to be subject to said conservation restriction are identified as follows:

Land in Athol, Worcester County, Massachusetts, including lands under water, located along South Royalston Road and Bearsden Road, associated with Newton Reservoir and its watershed, described in deeds to the town of Athol recorded at the Worcester District Registry of Deeds at Book 3543, Page 194; Book 1995, Page 600, and Book 1836, Page 133 (parcels 24, 25, 26, 27, 28, 29, and 30).

SECTION 11. Independent appraisals shall be prepared in accordance with Executive Office of Energy and Environmental Affairs appraisals specifications to determine the full and fair value of the easements authorized in sections 3-10. The authorization granted in sections 3-10 is contingent on the appraised value of the conservation restriction described in sections 9-10 being equal to or greater than the appraised value of the two easements described in sections 3-8 as determined by independent appraisals. Said appraisals and easements shall be submitted to the inspector general for review and comment. Within 15 days following submittal, the inspector general shall prepare a report containing his review of the methodology used for the appraisals and his review of said easements and shall file the report with the commissioner of the

75 department of fish and game, the house and senate committees on ways and means, and the joint
76 committee on bonding, capital expenditures and state assets.

77 SECTION 12. Costs and expenses associated with the transactions authorized by this act
78 shall be apportioned as agreed by the town of Athol and the department of fish and game.

79 SECTION 13. This act shall take effect upon its passage.